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October 13, 2009

VIA ELECTRONIC FILING

Honorable Mary L. Cooper, USDJ
U.S. District Court, District of New Jersey
Clarkson S. Fischer Federal Bldg. and US Courthouse
402 East State Street, Room 5000
Trenton, New Jersey 08608

Re: Awad v. Lord & Taylor
Civil Action No. 09-cv-1996

Dear Judge Cooper:

We are in receipt of Your Honor's Order dismissing Plaintiff's Complaint and remanding this matter to the Superior Court of New Jersey, Monmouth County. Your Honor's Order was based upon the September 9, 2009, Order requiring Plaintiff to advise the Court whether it intended to pursue its Section 1983 claims on or before September 30, 2009.

By telephone conference on September 9, 2009, I advised Judge Arpert that Plaintiffs intended to pursue their Section 1983 Claims in this case. Defense counsel confirmed with Judge Arpert that, assuming all facts alleged by Plaintiffs as true, the allegations would constitute a Section 1983 claim. As such, I assumed we had advised the Court at that time and that no further action was necessary. The Order of September 9, 2009, did not indicate a written notification was required by Plaintiffs.

Based upon these events, we respectfully request that Your Honor vacate the Order of October 6, 2009. If Your Honor would require a formal motion with regard to this issue, please advise and I will file same.

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Thank you for your time and consideration.

Respectfully,

By: /S/ *Andrew R. Bronsnick*
ANDREW R. BRONSNICK, ESQ.

ARB/lb

cc: Thomas C. Regan, Esq. (Via Electronic Filing)
John B. Monahan, Esq. (Via Electronic Filing)
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